

The election is made with traverse because it is believed that unity of invention exists with respect to the two claim sets. The Official Action observes that unity of invention is lacking because the method recited in Claim 19 includes certain claimed aspects (e.g., supplying a package to the apparatus, biasing the at least one pair of sealing halves, and folding the opposing portions of the package) that are not set forth in the Group I claims. However, the unity of invention standard does not consider whether all of the features/steps recited in each set of claims is identical. Here, since Claim 19 is directed to the method, it is not surprising that this claim recites certain aspects (e.g., supplying a package to the apparatus) not set forth in independent Claim 1 which is an apparatus claim.

Unity of invention exists when there is a technical relationship between the claims involving one or more special technical features. Here, such a technical relationship exists as can be seen from a reading of Claims 1 and 19. This requirement for a shared special technical relationship does not mean that the different inventions as claimed must be of the same scope or must recite the same features/aspects of the disclosed subject matter as suggested in the Official Action. Rather, it simply means that the independent claims share a special technical feature. In addition, as pointed out in the Manual of Patent Examining Procedure (see MPEP § 1850 II), if unity of invention exists with respect to the independent claims, it is of no significance that dependent claims may define a further invention. Thus, contrary to the observation in the Official Action, it is not particularly relevant that Claim 20 may define additional features or may itself contain a further invention.

It is also significant to note that lack of unity of invention was not raised in the

international phase of the corresponding international application. A contrary holding should not apply here.

In light of the foregoing, withdrawal of the holding of lack of unity of invention and examination of all of the claims of this application, including Claims 1-18 directed to the elected claim grouping, are respectfully requested.

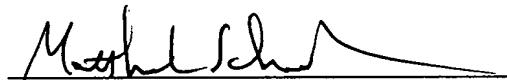
Should any questions arise in connection with this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 5, 2006

By:


Matthew L. Schneider
Registration No. 32,814

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620